

RDMD/Planning and Development Services

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DATE: February 16, 2006 (continued from February 2, 2006)

TO: Orange County Zoning Administrator

FROM: Resources and Development Management Department/Land Use Services Division

SUBJECT: Public Hearing on Planning Application PA05-0058 for a front setback Variance.

PROPOSAL: Request for approval of a front yard setback of 16 feet (at the closes pont to the front property line) for the non-habitable (garage) and 20 feet habitable (bedroom) areas of the dwelling to the front property line, where 30 feet is required to permit the construction of a room addition above an existing garage. The subject site is located in the North Tustin unincorporated area. The item was continued from the February 2, 2006 public hearing

LOCATION: 10982 Coventry Place, unincorporated North Tustin area (Third Supervisorial District)

APPLICANT: Dale and Susan Warner-Paley, property owner

STAFF Yosh Kawasaki, Staff Planner
CONTACT: Phone: (714) 834-4389 FAX: (714) 667-8344

SYNOPSIS: PDS/Current and Advance Planning Service recommends Zoning Administrator approval of Permit Application No. PA05-0058, for a Variance subject to findings and conditions attached.

DISCUSSION/ANALYSIS:

As presented at the February 2, 2006 Zoning Administrator public hearing, the homeowners are seeking approval of a Variance for front yard setback to permit the construction of a new room addition over an existing garage. The proposed addition would extend the living area over an existing garage which is proposed for demolition and enlargement to accommodate the room addition. The original proposal was to extend the garage approximately five (5) feet towards to the front property line from its current location and the room addition would extend (overhang) an additional three (3) feet. The proposed garage would extend to within 20 feet of the front property line and the second story addition 17 feet to the property line.

As requested by the Zoning Administrator, staff has worked with the applicant to modify the design to accommodate a front setback of 16 feet (at the closes point) for the non-habitable space (garage) and a front setback of 20 feet for the habitable space above the garage. Staff has reviewed the revised plans and concludes that the applicant has made the necessary revisions to the plans as discussed at the February 2, 2006 public hearing.

In terms of the appropriate considerations for this request, the Zoning Code allows for Variances in which granting of the proposed Variance is superior to the alternative of forced compliance to the regulatory standards. In this case, the house and garage was originally constructed within the legal limits of the front yard setback. Therefore, approval of a front yard variance of 20 feet for the habitable area of the dwelling and 16 feet for the non-habitable area would not be a grant of special privilege not already enjoyed by the home owner and this proposed Variance would not be requesting anymore than what is currently existing. Staff supports the setback variances, since those were the original setback for this tract of homes.

RECOMMENDED ACTION:

PDS/Current and Advance Planning Services recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and
- b. Approve Planning Application PA050058 for a site development permit allowing an alternative front yard structural setback standard, at the discretion of the Zoning Administrator, subject to findings and conditions of approval.

Respectfully submitted,

Signature on file

Charles Shoemaker, Chief
LPSD/Site Planning Section

EXHIBITS:

1. Revised Project Plans (Site Plan, Floor Plan and Elevation)
2. Meeting Minutes, February 2, 2006

ATTACHMENTS:

- A. Findings of Approval
- B. Conditions of Approval

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 for a single family dwelling matter or \$760.00 for all other matters, to be filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Department.